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MAILED

AUG 10 2010

In re Application of
YUJIRO KAJIHARA ET AL.

Application No. 09/987,978

Filed: November 16, 2001

Attorney Docket No. 1374.32049RV1

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition, filed March 3, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action of May 14, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on December 18, 2009.

Petitioner contends that the Notice of Abandonment was mailed in error since a timely reply (Amendment) was received by the office on November 16, 2009, with a request for three (3) month extension of time. A review of the application file record confirms the receipt of this reply with the fees for a three (3) month extension of time, on November 16, 2009. Thus, the application is not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby **VACATED** and the holding of abandonment **WITHDRAWN**.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to Technology Center AU 2815 for appropriate action in the normal course of business on the reply received November 16, 2009.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions